

## SENATE BILL NO. 187

INTRODUCED BY SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT UNDER THE TERMS OF THE JOINT AGREEMENT BETWEEN THE STATE AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES, JUDGMENTS FOR FISH AND GAME VIOLATIONS IN CONFEDERATED SALISH AND KOOTENAI TRIBAL COURTS ARE ENTITLED TO FULL FAITH AND CREDIT IN MONTANA COURTS; AMENDING SECTION 87-1-228, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-1-228, MCA, is amended to read:

**"87-1-228. Agreement with Indians concerning hunting and fishing -- Indian treaty of 1855. (1)**

Whereas, by treaty of July 16, 1855, between the United States of America and the confederated tribes of the Flathead, Kootenai, and Upper Pend Oreille Indians, the tribes have certain rights to fish and hunt; and whereas, it appears to be to the common advantage of the state and Indian tribes to cooperate in matters involving hunting and fishing. Therefore, the department may negotiate and conclude an agreement with the council of the Confederated Salish and Kootenai tribes of the Flathead Indian reservation for the purpose of:

(a) authorizing individuals to serve on a state-tribal cooperative board to develop hunting and fishing regulations and reimbursing those individuals' expenses pursuant to 2-18-501 through 2-18-503;

(b) doing what in its judgment is necessary by way of granting to tribal Indians state permits to hunt and fish off reservation on open and unclaimed lands, to be issued without charge to the Indians, or allowing Indians to hunt without licenses, permits, or stamps;

(c) issuing jointly with the council hunting and fishing licenses, permits, and stamps under terms established by mutual agreement and recognized as valid for hunting and fishing throughout the state. These joint licensing and permit requirements supersede the general licensing and permit requirements set forth in this title.

(d) authorizing all ~~revenues~~ revenue collected from sale of joint licenses, permits, and stamps to be remitted to the council for the purpose of a fish and wildlife program;

(e) transferring to the council an amount equal to all fines and restitution collected in state court for fish

1 and wildlife violations within reservation boundaries for use in a fish and wildlife program;

2 (f) policing Indian and other lands for the protection of fish and game and providing responsibility for  
3 redress of fish and game violations to state or tribal courts; and

4 (g) in general carrying out the purposes of this section.

5 (2) Any agreement entered into under subsection (1) must also satisfy the requirements of Title 18,  
6 chapter 11.

7 (3) Any tribal court judgment for a fish and game violation arising out of an agreement under this section  
8 is entitled to full faith and credit in the courts of Montana.

9 ~~(3)(4)~~ Prior to concluding any agreement under this section, the department shall hold public meetings,  
10 after proper public notice of the meetings has been given and the proposed agreement has been made available  
11 for public review, to afford an opportunity to comment on the contents of the agreement."  
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13 NEW SECTION. Section 2. Notification to tribal government. The secretary of state shall send a  
14 copy of [this act] to the Confederated Salish and Kootenai tribal government.  
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16 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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